

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ERICSSON INC., and  
TELEFONAKTIEBOLAGET LM  
ERICSSON,**

**Plaintiffs,**

**vs.**

**SAMSUNG ELECTRONICS CO., LTD., et  
al.,**

§  
§  
§  
§  
§  
§  
§  
§

**CASE NO. 6:12-CV-894**

**Defendants.**

**ORDER**

Before the Court is Plaintiffs' unopposed motion to stay proceedings pursuant to 28 U.S.C. § 1659 (Docket No. 32). In a pending litigation before the International Trade Commission ("ITC"), Defendants have asserted U.S. Patent Nos. 6,617,929, 6,767,813, 6,865,682, 7,782,749, 8,165,081, 8,208,438, and 8,228,827 against Plaintiffs. *See In the Matter of Certain Wireless Communications Equipment and Articles Therein*, Inv. No. 337-TA-866, 78 Fed. Reg. 6837 (Jan. 31, 2013). Defendants have also asserted these same seven patents in its counterclaims against Plaintiffs in this action. Docket No. 26. Plaintiffs ask the Court to stay these proceedings with respect to these seven patents pending the outcome of the parallel ITC action.

The Motion is **GRANTED**. However, this Motion only affects some of the patents asserted in this case. To avoid future complications arising from a partial stay, the Court further **SEVERES** Samsung's counterclaims involving U.S. Patent Nos. 6,617,929, 6,767,813, 6,865,682, 7,782,749, 8,165,081, 8,208,438, and 8,228,827 into a separate cause of action. *See* FED. R. CIV.

P. 21. (“[t]he court may sever any claim against a party.”). Additionally, the Court **WAIVES** any required filing fee for the new case.

**So ORDERED and SIGNED this 30th day of April, 2013.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**